

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DONNA BALLARD, ET AL.

CIVIL ACTION NO. 05-1782

versus

JUDGE STAGG

RICK MERRILL, ET AL.

MAGISTRATE JUDGE HORNSBY

ORDER OF VOLUNTARY DISMISSAL

Donna Ballard, on behalf of herself and her late husband, filed this personal injury action in state court arising out of an alleged accident that involved a transport van operated by an Overton Brooks entity. The United States removed the case based on an assertion that the driver of the van was actually employed by the Overton Brooks VA Medical Center, which is a hospital within the Department of Veterans Affairs. Pursuant to the Federal Tort Claims Act, the government asked the court to substitute the United States as the defendant and then dismiss the case because neither of the Ballards filed an administrative tort claim prior to the suit being filed.

Counsel for Ms. Ballard has contacted the court and advised that he consents to a dismissal of this action without prejudice. Accordingly, this civil action is, with the consent of the plaintiff, **dismissed without prejudice**. The government's pending motions (Docs. 7 and 8) are denied as moot.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 16th day of February,
2006.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE